

SPECIAL WORKSHOP MEETING  
AUGUST 6, 1996

**These minutes are for informational purposes only.**

The meeting was called to order at 7:32 p.m. Council members present were Mayor Harry Venis, Vice-Mayor Kathryn Cox and Councilmember Terry Santini. Also present were Town Administrator Robert Flatley, Development Services Director Michele Mellgren, Development Programs Manager Dan Oyler and Secretary Alina Brittain recording the meeting.

Mayor Venis stated that this meeting was called to discuss the Discount Auto Parts store with the residents of Pine Island Bay. Ms. Mellgren stated that the property had been rezoned to a commercial zoning in 1991 and explained that a master plan had been provided at that time which showed the conceptual development of the property. She indicated that the auto parts store had been found to be consistent with the Master Plan. Ms. Mellgren described the advantages of the site plan over what could have been obtained with the master plan. She related some details of the berm that was going up.

Lydia Forest, 8310 SW 44 Court, stated that many residents of Pine Island Bay had been told by the developer that developments along Orange Drive would include a wall. She related that a homeowner had contacted the Planning and Zoning Division the year before and had been told that a wall would also surround the construction site. Ms. Forest said it was felt that Council had no regard for safety issues in the area and described several challenges.

Ms. Forest stated that the entrance at 83rd Way would become more congested. She explained traffic problems, mentioned several safety hazards and expressed concern for the neighborhood children.

Ms. Forest referred to the site plan for the area and related concerns which had been listed in a letter to Council. She suggested a continual wall be constructed to alleviate many challenges including deterring strangers and containing children within the neighborhood.

Ms. Forest discussed the dangers and health hazards of the pond. She questioned the future development of the corner lot, asking about the rumor of a gas station. She referred to drainage and hazardous materials problems.

A question of accountability was imperative, Ms. Forest stated. She said there was an expectation of protection from Council.

Debbie London, 8335 SW 42 Court, stated that she had taken on the issue in April because of the overgrown lot and provided pictures depicting the excessive debris left on the lot after clearing. She said Murray Fisher had told her the Town allowed him to leave the debris on the properties to decay and described the additional dumping that had been occurring.

Ms. London inquired what else was being built and about the location of construction close to neighborhoods. She asked for the installation of descriptive signs on properties scheduled for development and for a wall to protect residents.

Mr. Flatley stated he had spoken to Murray Burdock, the broker for Peter Deutsch, who had been unable to attend this meeting. He said Mr. Burdock had indicated that installation of a wall and the repainting of the building would be discussed with residents and accommodations would be made.

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Ms. Mellgren mentioned drainage retention. She stated that a chain link fence would be installed. Mr. Oyler advised that the area would be completely fenced.

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Joan Finkelstein, 8290 SW 44 Court, commented about the pond and described the flooding on the swale along Orange Drive. She related the mosquito problems and said that the pond would be another attraction for insects.

Ms. Finkelstein recalled a telephone call she had made in October 1995 where she had been told the vacant lot was owned by Chevron. She said that the residents were upset about the lies and inconsideration.

Mayor Venis inquired about potential plans for a Chevron station. Ms. Mellgren responded that no plan had been submitted. She said the original master plan included the retail building, which was the auto parts store, and a service station on the corner of Pine Island Road and Orange Drive. She said a service station would be considered consistent if it met all development requirements.

Discussion ensued about the timing of the proposed residential development around the approval of the 1991 Master Plan. Ms. Mellgren explained the process.

Louis Bovnills, 4450 SW 82 Way, described his rezoning experiences as an architect and said that the residents should have been told about the commercial development. He stated that the wall, landscaping and repainting of the building would improve the situation. Mr. Bovnills suggested that a Board of Architects as consultants to the Town be considered for the future.

Councilmember Santini explained that the Town's Code prohibited design intrusion except for basic requirements. Ms. Mellgren reviewed the legalities. Discussion followed.

Ms. Mellgren stated that staff would pursue the architectural and aesthetic control issue.

Vicky Augustus Fidelia, 4271 SW 82 Way, inquired if the sign would be illuminated. Ms. Mellgren replied affirmatively.

Vice-Mayor Cox provided a history of the property and said it had been rezoned from agricultural to commercial. She related the redevelopment from a defunct shopping center to residential. Vice-Mayor Cox explained that the gas station on the corner had been approved because of the commercial zoning. She stated that the rezoning occurred before the current residents purchased their properties.

Vice-Mayor Cox stated that owners of both commercial and residential properties had rights to development. She restated that homeowners should have been informed of the commercial property's potential development before purchase. Vice-Mayor Cox reiterated that a wall would be included following the commercial property development.

Vice-Mayor Cox provided several recent instances where Council had defended the rights and needs of the Town. She mentioned the Orange Drive matter and Griffin Road issue. Vice-Mayor Cox described some limitations and successes and discussed landscaping plans.

Ms. Fidelia expressed concern for the children in the area and inquired about 83rd Way being private and repairs being the responsibility of residents. She asked if

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Discount Auto Parts would share in that cost. Ms. Fidelia stated that the residents were concerned with their property values.

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Building inspections and reference reviews of developers was questioned by Ms. Fidelia. She inquired about notification and suggested that a greater effort be made by the Town to personally notify homeowners of potential developments.

Lydia Petrone, 8280 SW 44 Court, related the comments made to her by the developer regarding the wall, sign and property development. She stated her desire to have a wall constructed and to close off 83rd Way with one entrance into Pine Island Bay. Ms. Petrone suggested the road be privatized.

Ms. Mellgren reiterated that the developer had agreed to construct a wall and change the color of the building. She inquired if any residents present did not want a wall. Mayor Venis suggested that representatives from the community and the Town work with the developer in planning the wall. Vice-Mayor Cox said that a chain link fence allowed police visibility. She suggested that the issue be addressed for safety reasons. Councilmember Santini recommended that the homeowners reach a consensus before approaching the developer and said that Council was willing to help. She also mentioned landscaping challenges and requested they be addressed.

Ms. Mellgren advised that ownership of the streets was being researched, but the road appeared to be private. She related further investigation was required which included residential input.

Ms. Fidelia stated that homes were purchased with the understanding that 83rd Way would have one entrance.

Dialogue followed with drainage into the canal being suggested. Vice-Mayor Cox described the challenge of contaminants from the street polluting the canal in that type of situation.

Margaret Zanni, 8270 SW 44 Court, related the standing water problem around her home, the back of which faced Orange Drive. She suggested additional landscaping could absorb some of the water and also block unsightly views on the opposite side of the street.

Herbert Ray, 8310 SW 44 Court, agreed with many statements regarding safety and other issues. He said a wall was required for safety and privacy reasons. Mr. Flatley restated the developer's commitment to meet with residents and reach an agreement. He expressed the developer's desire to be a good neighbor.

Barbara Carbonelo, 8250 SW 44 Court inquired about the height of the wall and stressed the need for landscaping. She questioned what else would be built and mentioned the attraction of painting graffiti on walls and buildings. Ms. Carbonelo said that the wall could be painted by the residents but the building could not.

Ms. Carbonelo also inquired about lighting. Ms. Mellgren clarified the light locations and purposes. Conversation ensued.

Ms. Carbonelo mentioned the challenge of the gas station on the corner in relation to the residential area. Vice-Mayor Cox assured the residents that the

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station would be compelled to

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meet all the requirements of the Environmental Protection Agency, the Department of National Resources, and the Town. She stated that residential concerns were understandable, but emphasized that all property rights would have to be considered.

Discussion about commercial and residential property rights followed with the Town Council's limits explained.

Ms. Carbonelo inquired about the activity on the property behind her home. Ms. Mellgren replied that the area had been zoned commercial and explained that the commercial designation was a result of a lawsuit in which the Town had lost.

Ms. Carbonelo stated that residents had been misled in many ways and expressed the desire to see Council have some consideration for the neighborhood. Ms. Carbonelo reiterated concern for property values and the area's aesthetics. She added that Orange Drive did not have the capacity for the expected density in traffic.

Karen Carlton, 4310 SW 82 Way, acknowledged that the Town was growing. She said that she was disheartened with the challenges regarding the auto parts store and gas station.

Gail McCleaten, 8293 SW 44 Court, said that she had moved to Davie to avoid congestion. She said the building in question appeared to be part of their community and stated that she had problems reaching anyone in the Planning and Zoning Division. Ms. McCleaten expressed concern about property value, landscaping problems and misrepresentations made to residents.

Concern was expressed about properties becoming junk yards. Ms. Mellgren responded that any such problems should be reported to the Code Enforcement Division.

Mayor Venis inquired if Discount Auto Parts could be required to post a sign directing patrons not to perform any vehicle repairs on the premises. Ms. Mellgren replied that the store was ultimately responsible for its patrons' performance of restricted activities.

It was announced that Mr. Oyler was designated as the contact person for the residents. Ms. Mellgren recommended that three representatives from the neighborhood contact Mr. Oyler who would accompany them to the meeting with the developer.

It was inquired if police patrol in the area would be increased. Mr. Flatley assured the residents that the level of service would meet the needs of the neighborhood.

Mayor Venis asked when the meeting with representatives from Discount Auto Parts and homeowners would take place. Ms. Mellgren reiterated the need to hear from the citizens, following which a meeting would be scheduled by Mr. Oyler at the earliest possible time.

Gary McCleaten, 8293 SW 44 Court, inquired if a bar or liquor store was allowed in the area. He asked about the process to block a private road. It was stated

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that research would be done and a response provided. Vice-Mayor Cox explained the land deed restrictions. Ms. Mellgren read those restrictions and clarified that a bar could not be constructed on the premises.



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Ms. Petrone inquired if something could be done about the U-turn necessity to enter the development from Pine Island Road. Vice-Mayor Cox explained the details. She stated that the main purpose of the turn was to restrict non-residential traffic access.

Regarding the opening of Pine Island Road to Stirling Road, concern was expressed about the safety of a U-turn. Mr. Oyler stated that the road was under Broward County's jurisdiction which had made the decision about median location.

Ms. London expressed her opinion that Mr. Fisher had not told the residents the truth about debris decay and asked the Town to require removal. Ms. Mellgren stated that she would report the incident to the Code Enforcement Division and assured follow-up.

It was stated that all property owners had been deceived. It was asked if the Town could do anything about notification. Vice-Mayor Cox replied that public hearings were advertised and posted. Site plans were not public hearing items, she said, and notification was very difficult. She said that Planning and Zoning Division could be contacted and information obtained by individuals.

Comment was made that the residents on SW 44 Court had been told by Exel that the property in question was to be rezoned residential and a wall would be built on Orange Drive which included landscaping. It was asked why the Town did not make the developers accountable. Discussion followed.

Code enforcement requirements, site plan development and notifications were addressed. Sign locations were debated and the policy for clearing overgrown lots was questioned. Ms. Mellgren responded that any overgrowth crossing property lines could be removed by the homeowner.

Mayor Venis expressed his thanks to all in attendance. The meeting adjourned at 9:31 p.m.